रजिस्ट्री सं. डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 20] नई दिल्ली, शुक्रवार, मई 2, 1986/वैशाख 12, 1908
No. 20] NEW DELHI, FRIDAY, MAY 2, 1986/VAISAKHA 12, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 2nd May, 1986:—

BILL NO. 38 OF 1986

A Bill further to amend the Muslim Personal Law (Shariat) Application Act, 1937.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Muslim Personal Law (*Shariat*) Application (Amendment) Act, 1986. Short title.

2. In section 2 of the Muslim Personal Law (*Shariat*) Application Act, 1937, the brackets and words "(save questions relating to agricultural land)" shall be omitted. Amendment of section 2.

26 of 1937.

STATEMENT OF OBJECTS AND REASONS

Section 2 of the Muslim Personal Law (*Shariat*) Application Act, 1937, excludes agricultural land, in cases where the parties are Muslims, from the application of the Muslim Personal Law (*Shariat*). This was meant to deprive Muslim daughters, sisters and wives of their share of landed property. This discrimination is unfair, illegal, unconstitutional and against the *Shariat*.

It is, therefore, proposed to amend section 2 of the aforesaid Act so as to bring the agricultural land also within the purview of the Act.

NEW DELHI;
March 13, 1986.

SYED SHAHABUDDIN.

BILL NO. 45 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1986. Short title.

2. In the Eighth Schedule to the Constitution, entries 10 to 15 shall be re-numbered as entries 11 to 16 respectively, and before entry 11 as so re-numbered, the entry, "10, Pali." shall be inserted. Amendment of Eighth Schedule.

STATEMENT OF OBJECTS AND REASONS

Pali is a sister language of Sanskrit. It is written in Devanagri script and has a rich storehouse of literature. It is taught as a subject of study at Delhi, Calcutta, Varanasi, Viswa Bharati and Sanskrit Universities and some other prominent Indian universities. Pali is a subject for the U.P.S.C. examinations.

Pali literature is still published and is available not only in India but also in the South East Asian countries like Sri Lanka, Burma, Thailand, Laos, Kampuchea, Nepal and Vietnam. In wealth of translations into and from other Indian and Asian languages as also in its range of subject matter, Pali literature comes second only to Sanskrit. Sahitya Akademi has also published selections from Pali literature.

It is, therefore, in the fitness of things that this language is included in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
March 18, 1986.

NARAIN CHAND PARASHAR

BILL NO. 44 OF 1986

A Bill to provide for the setting up of a flood control authority of India to control floods and for matters connected therewith.

WHEREAS entry 56 of List I—Union List of the Seventh Schedule to the Constitution provides for regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest;

AND WHEREAS a lot of havoc is caused by floods every year in almost all parts of the country;

AND WHEREAS it is essential to take effective measures for flood control;

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Flood Control Authority of India Act, 1986. Short title and commencement.

(*2*) It shall come into force at once.

Setting up of Flood Control Authority of India.

2. The Central Government shall set up a Flood Control Authority of India, hereinafter referred to as the Authority, with its head office at New Delhi.

Constitution of the Authority.

3. The Authority shall consist of a Chairman, who shall be an expert on flood control, nominated by the Central Government, and a representative each from every State Government and Union territory, who shall also be experts on flood control measures and other related aspects.

Functions of the Authority.

4. The functions of the Authority, set up under section 2, shall be—

(*a*) to identify the areas which are prone to floods;

(*b*) to suggest measures for flood control;

(*c*) to make a time bound plan for joining the rivers which are prone to floods with the ones which are not so;

(*d*) to suggest measures for development of land in areas which are prone to floods but which become free from that as a result of measures taken for controlling floods.

Expenditure on flood control measures.

5. The cost of taking up the flood control measures suggested by the Authority shall be borne by the Central Government.

Committee to monitor the progress of flood control measures.

6. There shall be constituted a committee of members of Parliament to monitor the progress of flood control measures undertaken as suggested by the Authority.

Power to make rules.

7. (*1*) The Central Government may make rules for carrying out the purposes of the Act, which in particular may provide for—

(*i*) the manner in which the Chairman and other members of the Authority shall be nominated;

(*ii*) **the setting up of office and provision of secretarial staff to the Authority.**

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is a land of many great rivers. The water resources of the country have not been utilised properly. Every year there are floods in the rivers which cause a great loss of life and property. Whereas in one part of the country there are floods, there is drought in other parts of the country. Therefore, there is urgent need for regulating the inter-State rivers and it will be in the public interest if Parliament enacts a law for that purpose.

Hence this Bill.

NEW DELHI;
March 20, 1986.

CHANDRA SHEKHAR VERMA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for setting up of a Flood Control Authority of India. Clause 3 provides for the constitution of the Authority. Clause 5 provides that the expenditure on flood control measures suggested by the Authority shall be borne by the Central Government. Clause 6 provides for the constitution of a Committee of members of Parliament to monitor the progress of flood control measures suggested by the Authority. Clause 7(1) (ii) provides for the setting up of office and provision of secretarial staff to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crores per annum.

It is also likely to involve a non-recurring expenditure of rupees ten lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to frame rules for carrying out the purposes of the Act. The rules will relate to matter of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 51 OF 1986

A Bill to provide for a comprehensive crop insurance scheme and for matters connected therewith.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Crop Insurance Scheme Act, 1986.

(*2*) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "authority" means an authority constituted under section 5;

(*b*) "crop" means and includes paddy, wheat, gram, barley, millet, corn, potato, pulses, sugarcane, orchards, cotton, tobacco and such other agricultural commodities which may be notified, from time to time, by the Central Government in the Official Gazette.

Crop Insurance Scheme.

3. (*1*) The Central Government shall frame a Crop Insurance Scheme for compulsory insurance of crops.

(*2*) The scheme shall, *inter alia*, provide for the following, namely:—

(*a*) the terms and conditions of crop insurance;

(*b*) the extent to which the insurance loss may be covered;

(*c*) rate of premium to be paid by the farmers.

Scheme to be administered by the Central Government.

4. (*1*) The Central Government shall administer the scheme.

(*2*) **It shall be the responsibility of the Central Government to pay the insurance amount to the farmers for the loss of crops suffered by them due to any natural calamity.**

(*3*) After taking into account the premium received from the farmers for insurance of their crops, the Central Government shall contribute two-third of the amount paid to the farmers as insurance amount due to loss of their crops in a financial year and the remaining one-third shall be contributed equally by the State Governments.

Authority to assess loss due to natural calamities.

5. (*1*) **An authority shall be constituted in every district to assess the loss suffered by the farmers due to any natural calamity.**

(*2*) **The authority shall consist of a Chairman, to be appointed by the Central Government, and such other officers and staff as may be required for carrying out the purposes of the Act.**

Representatives of farmers to be associated with assessment of loss.

6. The authority shall associate representatives of farmers of the area at the time of assessment of loss suffered by the farmers of the area.

Special provision for orchards.

7. In case of orchards, if there is a loss of the fruit bearing tree in any natural calamity, the authority, while calculating the loss suffered by a farmer, shall also take into account the cost incurred on the upbringing of the fruit tree.

Power to make rule.

8. The Central Government shall make rules for carrying out the purposes of the Act.

STATEMENT OF OBJECTS AND REASONS

India is primarily an agricultural based country. The whole economy of the country depends upon the well being of farmers and on agricultural produce. As the agriculture is based on monsoon there is always a position of uncertainty as to the quantity of foodgrains which will be produced. Even though our development schemes, increased irrigation facilities, small and big dams, fertilizers, better seeds and our agricultural research centres and agricultural scientists have helped in increasing the food production, our agriculture is still primarily based on monsoon. Because of this, new methods and latest machines are not being used for increasing the food production. In these circumstances the absence of a compulsory insurance scheme for crops is a misfortune. This scheme has been started in some areas but its impact is not seen all over the country. Therefore, there is need for starting a comprehensive crop insurance scheme.

Hence this Bill.

NEW DELHI;
April 2, 1986.

USHA CHOUDHARY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for framing of a crop insurance scheme. Clause 4(1) provides that the Central Government shall administer the scheme. Clause 4(2) provides that it shall be the responsibility of the Central Government to pay to the farmers the insurance amount due to loss of crops by natural calamities. Clause 4(3) provides that after taking into account the premium received from the farmers for insurance of their crops, the Central Government shall contribute two-third of the amount paid to the farmers as insurance amount due to loss of their crops in a financial year and the remaining one-third shall be contributed equally by the State Governments. Clause 5(1) provides for the constitution of an authority. Clause 5(2) provides that the authority shall consist of a Chairman and such other officers and staff as may be required for carrying out the purposes of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crores per annum.

It is also likely to involve a non-recurring expenditure of about rupees fifty lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 47 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1986. Short title.

2. In the Eighth Schedule, to the Constitution, entries 3 to 15 shall be re-numbered as entries 4 to 16 respectively, and before entry 4 as so re-numbered, the entry, "3. Bhoti." shall be inserted. Amendment of Eighth Schedule.

STATEMENT OF OBJECTS AND REASONS

Bhoti or Bhot Bhasha (commonly called Tibetan) is a language which is rich in literature, both written and folklore. The entire Buddhist literature, written in Sanskrit and Pali, a vast portion of which in original has been lost during the past centuries, is still available in this language. Pandit Rahul Santutyayan, the illustrious Hindi writer and prominent Buddhist scholar, brought hundreds of Tibetan manuscripts from Tibet and these are yet to be printed and translated into English as also into Hindi and other modern Indian languages, enumerated in the Eighth Schedule to the Constitution or recognised by the Sahitya Akademi.

Moreover, Bhoti is a living language and is spoken in various dialectal forms all over the Himalayan belt extending from Ladakh, Lahul Spiti and Kinnaur in the North-West to Arunachal Pradesh in the North-East. By any conservative estimate, the number of persons who speak Bhoti is over 3 million. It is also the language of the Bhotia Tribe. Moreover, programmes in this language are broadcast over All India Radio and creative and critical literature is being produced in this language by Indians and also by the Tibetans living in India. It is also the language of Mahayana Buddhists. Some books including their translation in this language have also been published by the Sahitya Akademi, set-up by the Government of India.

It is, therefore, required that this language should be included in the Eighth Schedule to the Constitution of India.

Hence this Bill.

NARAIN CHAND PARASHAR

NEW DELHI;
April 2, 1986.

SUBHASH C. KASHYAP,
Secretary-General.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1986